



General Assembly

***Amendment***

***January Session, 2009***

**LCO No. 7141**

**\*HB0547407141HD0\***

Offered by:

REP. ROY, 119<sup>th</sup> Dist.

REP. SCHOFIELD, 16<sup>th</sup> Dist.

REP. BYE, 19<sup>th</sup> Dist.

REP. CAMILLO, 151<sup>st</sup> Dist.

To: Subst. House Bill No. **5474**

File No. 859

Cal. No. 321

***"AN ACT CONCERNING PRIVATE, MUNICIPAL AND STATE  
RECYCLING, BENEFICIAL USE PERMITS AND ZONING  
ORDINANCES."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (h) of section 22a-220 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective from*  
5 *passage*):

6 (h) On or before [August 31, 1991] September 30, 2009, and annually  
7 thereafter, each municipality, or its designated regional agent, shall  
8 provide a report to the Commissioner of Environmental Protection  
9 describing the measures taken during the preceding year to meet its  
10 obligations under this section. The commissioner shall provide each  
11 municipality with a form for such report by June 1, 1991. Such form  
12 may be amended from time to time. Such report shall include, but not

13 be limited to, (1) a description of the efforts made by the municipality  
14 to promote recycling, (2) a description of its efforts to ensure  
15 compliance with separation requirements, [(3) the amount of each  
16 recyclable item contained in its solid waste stream which has been  
17 delivered to a recycling facility as reported to the municipality or its  
18 designated regional agent by the owner or operator of a recycling  
19 facility pursuant to section 22a-208e or by a scrap metal processor  
20 pursuant to section 22a-208f, and (4) the amount of solid waste  
21 generated within its boundaries which has been delivered to a  
22 resources recovery facility or solid waste facility for disposal as  
23 reported to the municipality or its designated regional agent by the  
24 owner or operator of the resources recovery facility or solid waste  
25 facility pursuant to section 22a-208e] (3) the first destination of each  
26 type of recyclable material collected for recycling and the first  
27 destination of collected municipal solid waste, (4) the actual or  
28 estimated amount of each type of recyclable material collected for  
29 recycling that has been delivered directly to a destination other than a  
30 solid waste facility that has obtained a permit under section 22a-208a,  
31 and (5) the actual or estimated amount of disposed municipal solid  
32 waste that has been delivered directly to a destination other than a  
33 solid waste facility that has obtained a permit under section 22a-208a.  
34 If such amounts of recyclable material or solid waste are unknown to  
35 the municipality, the municipality shall provide the commissioner  
36 with the contact information of the collector who transported such  
37 recyclable material or municipal solid waste. For the purposes of this  
38 subsection, "solid waste facility" has the same meaning as in section  
39 22a-207 and "collector" has the same meaning as in section 22a-220a.

40 Sec. 2. Section 22a-241b of the general statutes is repealed and the  
41 following is substituted in lieu thereof (*Effective October 1, 2009*):

42 (a) (1) On or before February 1, 1988, the Commissioner of  
43 Environmental Protection shall adopt regulations in accordance with  
44 the provisions of chapter 54 designating items that are required to be  
45 recycled. The commissioner may designate other items as suitable for  
46 recycling and amend said regulations accordingly. (2) On or before

47 October 1, 2010, the Commissioner of Environmental Protection shall  
48 amend the regulations adopted under subdivision (1) of this  
49 subsection to expand the list of designated recyclable items to add (A)  
50 containers of three gallons or less made of polyethylene terephthalate  
51 plastic and high-density polyethylene plastic, (B) boxboard, and (C)  
52 additional types of paper, including, but not limited to, magazines,  
53 residential high-grade white paper and colored ledger.

54 (b) Any designated recyclable item [designated for recycling  
55 pursuant to subsection (a) of this section] shall be recycled by a  
56 municipality within three months of the establishment of service to  
57 such municipality by a regional processing center or local processing  
58 system.

59 (c) [On and after January 1, 1991, (1) each] (1) Each person who  
60 generates solid waste from residential property shall, in accordance  
61 with subsection (f) of section 22a-220, separate from other solid waste  
62 the items designated for recycling pursuant to subdivision (1) of  
63 subsection (a) of this section, and (2) every other person who generates  
64 solid waste shall, in accordance with subsection (f) of section 22a-220,  
65 make provision for and cause the separation from other solid waste of  
66 the items designated for recycling pursuant to subdivision (1) of  
67 subsection (a) of this section through the provision of one or more  
68 collection containers for designated recyclable items that are separate  
69 from the collection containers for other solid waste. Collection  
70 containers that have been used for the collection of solid waste may be  
71 converted to containers for the collection of designated recyclable  
72 items by labeling or other means to identify that such container is  
73 dedicated to collecting designated recyclable items. On and after July  
74 1, 2011, the provisions of this subsection shall also apply to items  
75 designated for recycling pursuant to subdivision (2) of subsection (a)  
76 of this section.

77 (d) No person shall combine previously segregated designated  
78 recyclable items with other solid waste.

79       (e) For the purposes of this section, "boxboard" means a lightweight  
80 paperboard made from a variety of recovered fibers having sufficient  
81 folding properties and thickness to be used to manufacture folding or  
82 set-up boxes and "designated recyclable item" means an item  
83 designated for recycling by the Commissioner of Environmental  
84 Protection in accordance with subsection (a) of this section.

85       Sec. 3. Subsection (a) of section 8-2 of the general statutes is repealed  
86 and the following is substituted in lieu thereof (*Effective October 1,*  
87 *2009*):

88       (a) The zoning commission of each city, town or borough is  
89 authorized to regulate, within the limits of such municipality, the  
90 height, number of stories and size of buildings and other structures;  
91 the percentage of the area of the lot that may be occupied; the size of  
92 yards, courts and other open spaces; the density of population and the  
93 location and use of buildings, structures and land for trade, industry,  
94 residence or other purposes, including water-dependent uses, as  
95 defined in section 22a-93, and the height, size and location of  
96 advertising signs and billboards. Such bulk regulations may allow for  
97 cluster development, as defined in section 8-18. Such zoning  
98 commission may divide the municipality into districts of such number,  
99 shape and area as may be best suited to carry out the purposes of this  
100 chapter; and, within such districts, it may regulate the erection,  
101 construction, reconstruction, alteration or use of buildings or  
102 structures and the use of land. All such regulations shall be uniform  
103 for each class or kind of buildings, structures or use of land throughout  
104 each district, but the regulations in one district may differ from those  
105 in another district, and may provide that certain classes or kinds of  
106 buildings, structures or uses of land are permitted only after obtaining  
107 a special permit or special exception from a zoning commission,  
108 planning commission, combined planning and zoning commission or  
109 zoning board of appeals, whichever commission or board the  
110 regulations may, notwithstanding any special act to the contrary,  
111 designate, subject to standards set forth in the regulations and to  
112 conditions necessary to protect the public health, safety, convenience

113 and property values. Such regulations shall be made in accordance  
114 with a comprehensive plan and in adopting such regulations the  
115 commission shall consider the plan of conservation and development  
116 prepared under section 8-23. Such regulations shall be designed to  
117 lessen congestion in the streets; to secure safety from fire, panic, flood  
118 and other dangers; to promote health and the general welfare; to  
119 provide adequate light and air; to prevent the overcrowding of land; to  
120 avoid undue concentration of population and to facilitate the adequate  
121 provision for transportation, water, sewerage, schools, parks and other  
122 public requirements. Such regulations shall be made with reasonable  
123 consideration as to the character of the district and its peculiar  
124 suitability for particular uses and with a view to conserving the value  
125 of buildings and encouraging the most appropriate use of land  
126 throughout such municipality. Such regulations may, to the extent  
127 consistent with soil types, terrain, infrastructure capacity and the plan  
128 of conservation and development for the community, provide for  
129 cluster development, as defined in section 8-18, in residential zones.  
130 Such regulations shall also encourage the development of housing  
131 opportunities, including opportunities for multifamily dwellings,  
132 consistent with soil types, terrain and infrastructure capacity, for all  
133 residents of the municipality and the planning region in which the  
134 municipality is located, as designated by the Secretary of the Office of  
135 Policy and Management under section 16a-4a. Such regulations shall  
136 also promote housing choice and economic diversity in housing,  
137 including housing for both low and moderate income households, and  
138 shall encourage the development of housing which will meet the  
139 housing needs identified in the housing plan prepared pursuant to  
140 section 8-37t and in the housing component and the other components  
141 of the state plan of conservation and development prepared pursuant  
142 to section 16a-26. Zoning regulations shall be made with reasonable  
143 consideration for their impact on agriculture. Zoning regulations may  
144 be made with reasonable consideration for the protection of historic  
145 factors and shall be made with reasonable consideration for the  
146 protection of existing and potential public surface and ground  
147 drinking water supplies. On and after July 1, 1985, the regulations shall

148 provide that proper provision be made for soil erosion and sediment  
149 control pursuant to section 22a-329. Such regulations may also  
150 encourage energy-efficient patterns of development, the use of solar  
151 and other renewable forms of energy, and energy conservation. The  
152 regulations may also provide for incentives for developers who use  
153 passive solar energy techniques, as defined in subsection (b) of section  
154 8-25, in planning a residential subdivision development. The  
155 incentives may include, but not be limited to, cluster development,  
156 higher density development and performance standards for roads,  
157 sidewalks and underground facilities in the subdivision. Such  
158 regulations may provide for a municipal system for the creation of  
159 development rights and the permanent transfer of such development  
160 rights, which may include a system for the variance of density limits in  
161 connection with any such transfer. Such regulations may also provide  
162 for notice requirements in addition to those required by this chapter.  
163 Such regulations may provide for conditions on operations to collect  
164 spring water or well water, as defined in section 21a-150, including the  
165 time, place and manner of such operations. No such regulations shall  
166 prohibit the operation of any family day care home or group day care  
167 home in a residential zone. No such regulations shall prohibit the use  
168 of receptacles for the storage of items designated for recycling in  
169 accordance with section 22a-241b, as amended by this act, or require  
170 that such receptacles comply with provisions for bulk or lot area, or  
171 similar provisions, except provisions for side yards, rear yards and  
172 front yards. No such regulations shall unreasonably restrict access to  
173 or the size of such receptacles for businesses, given the nature of the  
174 business and the volume of items designated for recycling in  
175 accordance with section 22a-241b, as amended by this act, that such  
176 business produces in its normal course of business, provided nothing  
177 in this section shall be construed to prohibit such regulations from  
178 requiring the screening or buffering of such receptacles for aesthetic,  
179 public health or public safety reasons. Such regulations shall not  
180 impose conditions and requirements on manufactured homes having  
181 as their narrowest dimension twenty-two feet or more and built in  
182 accordance with federal manufactured home construction and safety

standards or on lots containing such manufactured homes which are substantially different from conditions and requirements imposed on single-family dwellings and lots containing single-family dwellings. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments. Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough; but unless it is so voted municipal property shall be subject to such regulations.

Sec. 4. (NEW) (*Effective October 1, 2009*) (a) No later than July 1, 2010, each municipality shall offer curbside or backyard collection of designated recyclable items to all residents and businesses for which such municipality provides municipal curbside or backyard collection of solid waste, except that the provisions of this section shall not apply to any municipality that the Commissioner of Environmental Protection determines recycles its solid waste in a percentage that exceeds the state-wide average for the amount of municipal solid waste recycled.

(b) Each collector who offers curbside or backyard collection of solid waste generated by residences in a municipality shall offer curbside or backyard collection of designated recyclable items to each of such collector's customers and such curbside or backyard collection of designated recyclable items shall be included in the collector's charge

217 for solid waste collection. The provisions of this subsection shall not be  
218 construed to prohibit any collector from determining and adjusting its  
219 fees for combined curbside collection services.

220 (c) For the purposes of this section, "curbside or backyard collection"  
221 means the collection, by either municipal collection services or private  
222 collectors, of presorted designated recyclable items or solid waste left  
223 for such collection by residents and businesses in the front or rear of  
224 the property of such residents and on the property of businesses,  
225 "designated recyclable items" means the items designated for recycling  
226 by the Commissioner of Environmental Protection in accordance with  
227 subsection (a) of section 22a-241b of the general statutes, as amended  
228 by this act, and "collector" has the same meaning as in subsection (g) of  
229 section 22a-220a of the general statutes.

230 Sec. 5. (NEW) (*Effective October 1, 2010*) (a) For the purposes of this  
231 section:

232 (1) "Designated recyclable items" means the items designated by the  
233 Commissioner of Environmental Protection for recycling in accordance  
234 with subsection (a) of section 22a-241b of the general statutes, as  
235 amended by this act;

236 (2) "Generated" means sold or given away at a common gathering  
237 venue; and

238 (3) "Common gathering venue" means any area or building, or  
239 portion thereof, that is open to the public during normal business  
240 hours, including, but not limited to, any (A) building that provides  
241 facilities or shelter for public assembly, (B) inn, hotel, motel, sports  
242 arena, supermarket, transportation terminal, retail store, restaurant or  
243 other commercial establishment that provides services or retails  
244 merchandise, or (C) museum, hospital, auditorium, movie theater or  
245 university building.

246 (b) Each property that has one or more common gathering venues  
247 where designated recyclable items may be generated while the public



248 congregates at such venues and that provides for the collection of solid  
249 waste shall provide recycling receptacles for the collection of any  
250 designated recyclable items generated at such venue. Such recycling  
251 receptacles shall be as accessible to the public and at the same locations  
252 as trash receptacles. Any existing trash receptacle may be converted to  
253 a recycling receptacle by labeling or other means appropriate to  
254 identify that such receptacle is dedicated to the collection of designated  
255 recyclable items. If beverage containers of twenty-one ounces or less  
256 are offered for sale or given away at a common gathering venue, any  
257 such recycling receptacle at such venue shall, at a minimum, allow for  
258 the collection of such beverage containers.

259 Sec. 6. Section 22a-209f of the general statutes is repealed and the  
260 following is substituted in lieu thereof (*Effective October 1, 2009*):

261 (a) The Commissioner of Environmental Protection may issue a  
262 general permit for a category of processing or beneficial use of solid  
263 waste when used in a manufacturing process to make a product or as  
264 an effective substitute for a commercial product, provided: (1) Such  
265 permit does not allow an activity for which an individual permit has  
266 been issued; (2) the issuance of the general permit is not inconsistent  
267 with the requirements of the federal Resource Conservation and  
268 Recovery Act; (3) the solid wastes included in the category are  
269 proposed for the same or substantially similar operations and have the  
270 same or similar physical character and chemical composition; (4) the  
271 solid wastes included in the category are proposed for the same or  
272 substantially similar beneficial use or processing activities; and (5) the  
273 commissioner finds that the activities in the category can be  
274 adequately regulated using standardized conditions without harming  
275 or presenting a threat of harm to public health and safety or the  
276 environment. [The commissioner's authority to issue a general permit  
277 shall not apply to the reuse of hazardous waste as defined in section  
278 22a-115.] The issuance of the general permit shall be governed by  
279 procedures established in subsection [(q)] (i) of section 22a-208a. The  
280 general permit may require any person or municipality proposing to  
281 conduct any activity under a general permit to register such activity on

282 a form prescribed by the commissioner.

283 (b) (1) The commissioner may issue individual authorizations for  
284 the beneficial use of solid waste in a manufacturing process to make a  
285 product or as an effective substitute for a commercial product  
286 provided (A) such authorization does not allow an activity for which  
287 an individual or general permit has been issued, (B) such authorization  
288 is not inconsistent with the requirements of the federal Resource  
289 Conservation and Recovery Act (42 USC 6901 et seq.), and (C) the  
290 commissioner finds that such solid waste can be reused without  
291 harming or presenting a threat of harm to public health, safety or the  
292 environment.

293 (2) The commissioner shall establish guidelines protective of public  
294 health, safety and the environment for authorizations made in  
295 accordance with this subsection and shall give public notice on the  
296 Department of Environmental Protection's Internet web site of such  
297 guidelines, or any subsequent revision of the guidelines, with an  
298 opportunity for submission of written comments by interested persons  
299 for a period of thirty days following the publication of the notice. The  
300 commissioner shall post a response to any comments received on the  
301 Department of Environmental Protection's Internet web site.

302 (3) An applicant for such authorization shall submit information on  
303 forms prescribed by the commissioner and any additional information  
304 required by the commissioner. The commissioner may direct the  
305 applicant to pay a fee of not more than five thousand dollars at the  
306 time of application, in accordance with the guidelines established  
307 under subdivision (2) of this subsection, except that no such fee shall  
308 be charged to a municipality.

309 (4) Notwithstanding section 22a-208a or any regulations adopted  
310 pursuant to section 22a-209, the issuance or renewal of an  
311 authorization under this subsection, or a modification of an  
312 authorization under this subsection if such modification is sought by  
313 the holder of an authorization, shall conform to the following

314 procedures: (A) The commissioner shall publish a notice of intent to  
315 issue an authorization on the Department of Environmental  
316 Protection's Internet web site. Such notice shall include: (i) The name  
317 and mailing address of the applicant and the address of the location of  
318 the proposed activity; (ii) the application number; (iii) the tentative  
319 decision regarding the application; (iv) the type of authorization  
320 sought, including a reference to the applicable statute or regulation; (v)  
321 a description of the location of the proposed activity and any natural  
322 resources affected thereby; (vi) the name, address and telephone  
323 number of any agent of the applicant from whom interested persons  
324 may obtain copies of the application; (vii) the length of time available  
325 for submission of public comments to the commissioner; and (viii)  
326 such additional information as the commissioner deems necessary to  
327 comply with any provision of this title or regulations adopted  
328 pursuant to this title, or with the federal Clean Air Act, federal Clean  
329 Water Act or federal Resource Conservation and Recovery Act. There  
330 shall be a comment period of thirty days following the publication of  
331 such notice during which interested persons may submit written  
332 comments to the commissioner. (B) The commissioner shall post a  
333 response to any comments received on the Department of  
334 Environmental Protection's Internet web site. (C) The commissioner  
335 may approve or deny such authorization based upon a review of the  
336 submitted information. Any authorization issued pursuant to this  
337 section shall define clearly the activity covered by such authorization  
338 and may include such conditions or requirements as the commissioner  
339 deems appropriate, including, but not limited to, operation and  
340 maintenance requirements, management practices, reporting  
341 requirements and a specified term.

342 (5) The commissioner may suspend or revoke an authorization and  
343 may modify an authorization if such modification is not sought by the  
344 holder of an authorization, in accordance with the provisions of section  
345 4-182 and the applicable rules of practice adopted by the department.

346 Sec. 7. (NEW) (*Effective October 1, 2010*) (a) For the purposes of this  
347 section, "designated recyclable item" has the same meaning as in

348 section 22a-241b of the general statutes, as amended by this act,  
 349 "customer" means a resident or business and "collector" means any  
 350 person offering solid waste or designated recyclable item collection  
 351 services.

352 (b) Each contract between a collector and a customer for the  
 353 collection of solid waste shall make provision for the collection of  
 354 designated recyclable items, either by providing for the collection of  
 355 designated recyclable items by the same collector who is party to the  
 356 contract or by providing for such collection by a different collector. No  
 357 collector may require a customer to contract exclusively with such  
 358 collector for the collection of either designated recyclable items or  
 359 other solid waste. Each collector shall provide each customer with  
 360 clear written or pictorial instructions on how to separate designated  
 361 recyclable items in accordance with the provisions of section 22a-241b  
 362 of the general statutes, as amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-220(h)
Sec. 2	<i>October 1, 2009</i>	22a-241b
Sec. 3	<i>October 1, 2009</i>	8-2(a)
Sec. 4	<i>October 1, 2009</i>	New section
Sec. 5	<i>October 1, 2010</i>	New section
Sec. 6	<i>October 1, 2009</i>	22a-209f
Sec. 7	<i>October 1, 2010</i>	New section